

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 2, 2007

D048982 In re Nichole C., a Juvenile

Respondent's unopposed motion to dismiss the appeal filed on June 13, 2007, has been read and considered by Presiding Justice McConnell and Associate Justices McDonald and Irion. The motion to dismiss the appeal is GRANTED. The appeal is DISMISSED.

D048297 Haley et al v. Casa Del Rey Homeowners Association et al.

The judgment is affirmed. The respondents are entitled to costs on appeal. McConnell, P.J.; We Concur: Benke, J., Huffman, J.

D049758 In re Paulina P. et al., Juveniles

The judgment as to Juana and Paulina is affirmed. Raul's appeal is dismissed. Irion, J.; We Concur: McConnell, P.J., Aaron, J.

D048438 Talley v. The Marshall Group Inc., et al.

Upon filing a written request for dismissal, the appeal is dismissed as to respondent Kenneth Larsen only and the remittitur is ordered to issue immediately.

D049725 In re Alex S., a Juvenile

The judgment is affirmed. Aaron, J.; We Concur: McIntyre, Acting P.J., O'Rourke, J.

D050172 In re Pedro O., a Juvenile

The order is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Huffman, J.

D049762 People v. House

The judgment is affirmed. Benke, Acting P.J.; We Concur: O'Rourke, J., Aaron, J.

D050021 People v. Acie

The judgment is affirmed. O'Rourke, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D048151 Park Row Community Association v. Shirk

The judgment is affirmed and the matter remanded with directions that the trial court strike paragraph 1(a) and modify paragraph 1(d) of the permanent injunction to narrow its language consistent with the views expressed in this opinion. The parties shall bear their own costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., Irion, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 2, 2007 (Continued)

D049153 People v. Buzby

The order that Buzby pay the San Diego Police Department \$1,366 victim restitution is stricken and the trial court shall so advise the Department of Corrections. The judgment is otherwise affirmed. McDonald, J.; We Concur: Benke, Acting P.J., Nares, J.

D047824 Jameson v. Desta

The judgment is reversed. The matter is remanded to the trial court with directions to deny Dr. Desta's motion to dismiss. Jameson is awarded costs on appeal. Aaron, J.; We Concur: Nares, Acting P.J., Irion, J.

D047798 County of San Diego v. Arzaga

The order is reversed. The parties shall bear their own costs on appeal. CERTIFIED FOR PUBLICATION O'Rourke, J.; We Concur: McDonald, Acting P.J., Irion, J.

D050800 Martinez v. Martinez

Pursuant to California Rules of Court, rule 8.140, the appeal filed April 27, 2007, is DISMISSED for appellant's failure to timely designate the record (Cal. Rules of Court, rules 8.120(a), 8.130(a)).

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 3, 2007

D050579 C.R. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

Let a writ of mandate issue directing the superior court to vacate its findings and order terminating reunification services and setting a permanency planning hearing under section 366.26, and enter a new order returning the child to the custody of her mother under a plan of family maintenance services. The stay issued June 20, 2007 is vacated. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.

D048977 People v. Gonzalez

The judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Benke, J.

D050274 In re T.R. et al., Juveniles

D050295 In re T.R. et al., Juveniles

(Consolidated). The orders are affirmed. McConnell, P.J.; We Concur: Benke, J., Nares, J.

D048360 People v. Bates

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D046763 People v. Boysen

The order dismissing the case is affirmed. CERTIFIED FOR PUBLICATION. Benke, J.; We Concur: McConnell, P.J.; Haller, J.

D048879 Valenzuela v. City of San Diego

The judgment is affirmed. City is entitled to costs on appeal. McDonald, J.; We Concur: Nares, Acting P.J., Irion, J.

D048038 San Diego County Employees Retirement Association v. County of San Diego/Hickey et al.

The petition for rehearing is denied.

D048359 People v. Bates

The portion of the trial court's judgment staying the execution of the six-year sentence for Bates' six prior prison terms (667.5, subd (b)) is vacated, and this matter is remanded for the trial court to decide how to proceed concerning the six-year sentence. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D049051 Department of Corrections and Rehabilitation v. Valenzuela et al.

The judgment is affirmed. Costs are awarded to respondent Valenzuela. Huffman, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D048281 Jones v. R.J. Donovan Correctional Facility et al.

The opinion filed June 14, 2007, is ordered certified for publication.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 3, 2007 (Continued)

D049619 Grabher v. Sullivan et al.

The order of June 1, 2007, placing the above-entitled matter on calendar for Monday, July 9, 2007 at 9:00 a.m., is vacated. Upon written request filed by appellant, the appeal is DISMISSED and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

D048692 People v. McNeely

The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 5, 2007

D049867 People v. Walker

The sentence for count 2 is modified to reflect the sentence is stayed pursuant to Penal Code section 654. The superior court is directed to amend the abstract of judgment accordingly and to forward an amended abstract to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed. Huffman, J.; We Concur: McConnell, P.J., Aaron, J.

D050873 Marshelle H. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency

The attorney for petitioner Marshelle H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050728 Tanya H. v. Superior Court of San Diego County/San Diego County Health & Human Services Agency

The attorney for petitioner Tanya H. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is dismissed.

D050628 Haddada v. Superior Court of San Diego County/Coldwell Banker Residential Brokerage Company et al.

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 6, 2007

Court convened at 9:00 a.m.

Present: The Honorable Judith McConnell, Presiding Justice, and The Honorable Associate Justices Richard Huffman and Joan Irion
Clerk: D. Moore

D049090 McKean Natural Gas Company et al. v. City of San Diego

Cause called on merits. Ron Talmo, Esq. argued for appellant. Glenn Spitzer, Esq. argued for respondent, CITY. Chris Polychron, Esq. argued for intervenor-respondent, Neighborhood Org. for Preserving Open. Cause submitted.

Court adjourned at 9:33 a.m. until Monday, July 9, 2007 at 9:00 a.m.